

# SAFETY Network

May 2013

[www.michigan.gov/ohsp](http://www.michigan.gov/ohsp)

## .08 drunk driving law, sentencing guidelines maintained



Governor Rick Snyder recently signed into law a pair of public safety bills that will maintain Michigan's current drunk driving standards and sentencing guidelines.

HB 4093, sponsored by state Representative Andrea LaFontaine, maintains the existing drunk driving standard of .08 percent blood alcohol content (BAC) until October 1, 2018. Due to a sunset clause in the law, it was set to return to a .10 BAC limit in October 2013.

This bill will also maintain a .04 BAC standard for drivers of commercial vehicles and a "zero tolerance" standard of .02 BAC for those under the age of 21.

HB 4131, sponsored by state Representative Klint Kesto, maintains the existing sentencing guidelines in place for those convicted of exceeding the state's BAC limits.

The laws keep Michigan in compliance with federal drunk driving standards and eligible for federal transportation funding.

HB 4093 and HB 4131 are now Public Acts 23 and 24 of 2013.



## The seat belt: the cure for Buckle-phobia

Michigan's *Click It or Ticket* campaign got a shot in the arm from new and light-hearted messaging featuring a health care theme to alert motorists to stepped up enforcement. The campaign introduced a make-believe condition called Buckle-phobia.

"The clinically proven solution? The seat belt. Recent studies show that wearing one inside a safety belt enforcement zone means you won't feel the side effects of a \$65 ticket."

While Buckle-phobia is imaginary, safety belt enforcement zones are real and were in effect across the state May 20-June 2. Local police departments, sheriff offices, and Michigan State Police posts from 155 agencies in 26 counties conducted federally funded safety belt enforcement zones through the busy Memorial Day travel weekend.

To help promote the campaign and enforcement, the Michigan Office of

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**July 1-7 Drunk Driving Enforcement in 26 Counties**

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## Motorcyclists urged to wear high-visibility gear in new campaign

Motorcyclists are being urged to make themselves more easily seen by wearing high-visibility riding gear through the federally funded *Ride Safe to Ride Again* campaign. This is the first time the effort has urged the use of gear that enhances both daytime and nighttime visibility of motorcyclists to the motoring public and includes the use of colors such as fluorescent red, orange, yellow, or green and retroreflective trim.

The *Ride Safe to Ride Again* campaign, sponsored by the Michigan Office of Highway Safety Planning (OHSP), recognizes that the best person to look out for

a motorcycle rider's safety is the rider. In previous years, the campaign has concentrated on key skills riders need to know to avoid being injured or killed in a crash.

In Michigan, more than 10 percent of traffic fatalities annually involve motorcycles. The average age of motorcyclists killed is 43 and more than 90 percent of riders killed are male. In 2012, 129 motorcyclists died in traffic crashes, an increase from 109 in 2011.

The *Ride Safe to Ride Again* campaign featured federally funded cable, television,



radio, and internet ads in Metro Detroit and West Michigan. From 2007 to 2011, almost half of all fatal and serious injury motorcycle crashes occurred in Wayne, Oakland, Macomb, Kent, Genesee, Washtenaw, Ottawa, and Muskegon counties.

The campaign also includes information about rider training and safety tips at [www.ridesafetorideagain.com](http://www.ridesafetorideagain.com). The television ad can be viewed at [Youtube.com/ohsp](http://Youtube.com/ohsp).

## Nearly 400 teens earn hands-on driving experience with professional drivers through S4SD program

The second year of a teen-focused safe driving initiative, Strive For A Safer Drive (S4SD), wrapped up in April with two days of hands-on driving events at the Ford Dearborn Development Center. Nearly 400 teens from 22 schools had the opportunity to get behind the wheel of a car with a professional driver providing advanced instruction.

S4SD, presented by AAA Michigan, Ford Driving Skills for Life, and the Michigan Office of Highway Safety Planning, provides funding and resources to help teens talk to teens about safe driving with the goal of reducing traffic crashes, injuries, and fatalities among Michigan's most inexperienced drivers.

During the 2012-2013 school year, more than 30 Michigan high schools in the top counties for teen traffic fatalities and serious injuries each received \$2,000 for students to create peer-to-peer traf-



fic safety-related campaigns. The schools conducted activities for three months and submitted a final report. The top schools were selected based on creativity, execution, and compliance with the S4SD participation requirements.

Schools were divided into three divisions for judging. Division 1 included 10 schools in Livingston, Jackson, and Wayne counties. Division 2 had 12 schools

in Ingham and Oakland counties, and Division 3 had 11 schools in Genesee, Kent, Macomb, Ottawa, Saginaw, and St. Clair counties.

The top three schools in Division 1 were Vandercook Lake High School in Jackson County, Springport High School in Jackson County, and Plymouth High School in Wayne County.

The top three schools in Division 2 were Lake Orion High School in Oakland County, Clarkston High School in Oakland County, and Williamston High School in Ingham County.

The top three schools in Division 3 were Swartz Creek High School in Genesee County, Grand Haven High School in Ottawa County, and Careerline Tech Center in Ottawa County.

To see examples from the top S4SD campaigns visit [Michigan.gov/s4sd](http://Michigan.gov/s4sd).



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## SOS and OHSP kick off Motorcycle Safety Awareness Month

As a motorcyclist, Secretary of State Ruth Johnson knows how important it is to be seen when riding.

Secretary Johnson, on a Harley-Davidson Sportster, and other motorcyclists rode from Fort Custer National Cemetery to the Battle Creek Air National Guard Base for a May 1 news conference to kick off May as Motorcycle Safety Awareness Month.

The month-long campaign promotes the importance of taking motorcycle safety training, having a motorcycle endorsement, wearing high visibility gear, and sharing the road.

All motorcyclists must have an endorsement on their driver's license to ride on Michigan roads. Riders 18 and older may meet licensing requirements by successfully completing a motorcycle safety course from a public or private provider, or by passing a skills test from a third-party testing organization. Teens under age 18 as well as adults who fail a skills test twice, are required to pass a motorcycle safety course before an endorsement can be issued.

Statistics show that 58 percent of Michigan motorcyclists involved in a fatal

crash in 2012 did not have an endorsement on their license.

The Michigan Secretary of State's office administers the Michigan Motorcycle Safety Program, overseeing the public and private motorcycle safety course providers and training motorcycle instructors. Courses include basic, advanced, and refresher courses. More than 120,000 students have attended training since 2001.

A federal grant through the Michigan Office of Highway Safety Planning is helping pay for RiderCoach training updates and additional motorcycle safety classes offered through the Michigan Motorcycle Safety Program's public providers. The grant also funded 20 new training motorcycles for the program along with high visibility gear to be used as a teaching tool in the motorcycle safety classes.

Motorcycling continues to gain in popularity in Michigan. The number of endorsed riders in May 2008 was 518,156 and swelled to 561,878 by May 2012. Women riders have increased their numbers by more than 10,000 during that same time period, jumping from 54,084 in 2008 to 65,183 in 2012.



## Raffaele honored by NHTSA for Kelsey's Law



Bonnie Raffaele, founder of the Kids Driving Responsibly (KDR) Challenge and the driving force behind a law that prohibits newly licensed teens from using a cell phone while driving, was honored by the U.S. Department of Transportation's National Highway Traffic Safety Administration with the agency's top public service award.

Raffaele was one of 14 individuals and organizations recognized for their tireless efforts in advancing highway safety throughout the country during the 31st Annual Lifesavers Conference. The Lifesavers conference brings together individuals and public safety groups who all share the common goal of making America's roads and communities safer.

Raffaele, of Sault Sainte Marie, was honored for her efforts to raise awareness among teens about the dangers of being distracted by a cell phone while driving. Following the death of her 17-year-old daughter Kelsey in a cell phone-related crash in 2010, Raffaele created the KDR Challenge and made more than 50 presentations to more than 6,000 students encouraging them to sign a pledge to not use a cell phone while driving.

She also lobbied for Kelsey's Law, which prohibits Level 1 and Level 2 license holders under the Graduated Driver Licensing from using a cell phone while driving.

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## Michigan boasts 50 Drug Recognition Experts following class

Sixteen law enforcement officers and three prosecutors completed an intense Drug Recognition Expert (DRE) course earlier this year, increasing the number of DREs in Michigan to 50.

DREs are trained to recognize signs of impairment in drivers under the influence of drugs other than, or in addition to, alcohol and to identify the category or categories of drugs causing the impairment. DREs conduct a 12-step evaluation process to make this determination. Having DREs increases the ability to detect and better prosecute drivers suspected to be under the influence of drugs.

The new DREs are from the following departments: Almont, Cadillac, Chocoley Township, Flint Township (two officers), Grand Rapids, Imlay City, Michigan State University, Muskegon, and Troy police departments; Eaton, St. Clair, and Van Buren county sheriff offices; and the Michigan State Police Niles, Mt. Pleasant, and Rockford posts. Prosecutors from Lenawee, St. Clair, and Wayne counties also attended the training.

This is the third DRE training class Michigan has hosted.

## Free DVD teaches young drivers about the dangers of underage drinking and distracted driving

The Traffic Improvement Association of Michigan (TIA) and the Michigan Office of Highway Safety Planning (OHSP) recently partnered to create a new traffic safety resource DVD that can be used to educate teens and young adults about the dangers of underage drinking and distracted driving.

The DVD includes PowerPoint presentations and videos on underage drinking and distracted driving, speaker notes, and a video depicting a dramatization of a distracted driving crash. It was produced through federal funding from the National Highway Traffic Safety Administration (NHTSA).

According to NHTSA, 3,331 people were killed and an estimated 387,000 were injured in motor vehicle crashes involving a distracted driver in 2011. Nationally, alcohol plays a role in a third of traffic deaths and was a factor in 9,878 deaths in 2011.

The distracted driving crash dramatization on the DVD was produced as part of the Remembering Ally campaign in memory of 16-year-old Romeo High School student Ally Zimmerman who died in a distracted driving crash in 2011.

Copies of the DVD are available at no cost and can be ordered by e-mailing [trafficsafety@michigan.gov](mailto:trafficsafety@michigan.gov) or calling (517) 636-4256.



## What's Ahead

### JUNE

#### 2-8 National Tire Safety Week

[Rma.org](http://Rma.org)

#### 17 Ride to Work Day (motorcycles)

[Ridetowork.org](http://Ridetowork.org)

### JULY

#### 1-7 Drive Sober or Get Pulled Over crackdown

[Michigan.gov/ohsp](http://Michigan.gov/ohsp)

#### 9 Lakeshore and West Michigan Joint Traffic Safety Committee Meeting

Shoreline Inn & Conference Center, 730 Terrace Point Drive, Muskegon-10 a.m.

### AUGUST

#### 4-10 National Stop on Red Week

<http://safety.fhwa.dot.gov/intersection/redlight/outreach>

#### 16-9/2 Drive Sober or Get Pulled Over crackdown

[Nhtsa.gov/stopimpaireddriving](http://Nhtsa.gov/stopimpaireddriving)

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## Safe Kids, OHSP, and Operation Home Front distribute 37 car seats to military families in need

Car seat technicians from Capital Area and Huron Valley Safe Kids joined forces to check and distribute 37 car seats during a “baby shower” for military families on April 21 in conjunction with Operation Home Front, an organization that assists military families.

More than 30 expectant and new mothers were on hand for the event, each receiving a new convertible car seat purchased with grant funds from the Michigan Office of Highway Safety Planning (OHSP).



This is the second collaboration between Operation Home Front, Safe Kids, and OHSP. An event was also held in October 2012.

## New report helps states better engage parents of teen drivers

What's an effective tool for reducing teen crash risk? Parents. Moms and dads play a critical role in helping teens survive their most dangerous driving years. This theme is explored in a new report recently released by the Governors Highway Safety Association, *Promoting Parent Involvement in Teen Driving: An In-Depth Look at the Importance and the Initiatives*. The report was developed with a grant from State Farm®.

The publication, the third in a series on teen driving developed for state highway safety offices and teen safe driving advocates, highlights what parents need to know about the risk factors for their novice drivers. The report provides strategies parents can use to support graduated driver licensing laws at home by working closely with their teen as they develop driving

skills and gradually increasing privileges. It also explores the critical role parents play in shaping their teens' driving behavior and the challenges of engaging parents who are not only busy, but also likely to view their teens as good, safe drivers.

The report was written by Pam Fischer, a transportation safety consultant and former New Jersey State Highway Safety Office director who is also the parent of a teen driver. She also previously chaired the New Jersey Teen Driving Commission. Additionally, an expert panel was convened to share their insights on current research and practices, as well as parent engagement programs that are showing or are expected to show promising results.

A PDF of the report is available online at [Ghsa.org](http://Ghsa.org).



## Reward motorists for buckling up

The summer travel season is almost underway in Michigan, which means increased travels, traffic, and the possibility of crashes. To help promote seat belt use and reward motorists for buckling up, AAA Michigan (AAA) and the Michigan Office of Highway Safety Planning (OHSP) are continuing to coordinate the *Saved by the Belt* program.

This program honors motorists who have been involved in a crash for their decision to buckle up or use child safety seats. To be eligible, the crash must be more than a minor fender-bender and the seat belt or car seat must have eliminated or reduced injury or prevented a fatality. Officers need to fill out a *Saved by the Belt* nomination form and submit it and a copy of the crash report to OHSP.

*Saved by the Belt* recipients receive a certificate and a travel mug provided by AAA. The items can be mailed to the agency for presentation to the recipient or OHSP can mail them directly to the recipient. Presentations can also be made during a local Traffic Safety Committee meeting. Recipients are also provided the option to share their story to help promote the use of seat belts and child safety restraints through media releases provided to local media by OHSP.

*Saved by the Belt* nomination forms can be downloaded at [Michigan.gov/ohsp](http://Michigan.gov/ohsp) under the Law Enforcement Programs tab.

For more information, contact Lynn Sutfin, OHSP's Public Information Coordinator, at (517) 241-1513 or [sutfin@michign.gov](mailto:sutfin@michign.gov).



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## Drunk/drugged driving law now includes any intoxicating substance

By Kenneth Stecker, Traffic Safety Resource Prosecutor, Prosecuting Attorneys Association of Michigan

Public Act 543 of 2012 took effect on March 31, 2013. The amended law under Michigan Compiled Law 257.625 reads in pertinent part as follows:

Sec. 625. (1) A person, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, within this state if the person is operating while intoxicated. As used in this section, "operating while intoxicated" means any of the following:

(a) The person is under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or **other intoxicating substance...**

(25) As used in this section:

(a) **"Intoxicating substance"** means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance, that is either of the following:

(i) Recognized as a drug in any of the following publications or their supplements:

- (A) The official United States pharmacopoeia
- (B) The official homeopathic pharmacopoeia of the United States
- (C) The official national formulary

(ii) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not

intended, and that may result in a condition of intoxication.

This law makes it a crime to operate a motor vehicle while under the influence of or while visibly impaired by the ingestion of an "intoxicating substance." Because the definition of "intoxicating substance" will include prescription drugs, a concern has been expressed that this will result in prosecution of drivers who lawfully take prescription medication. That will not happen under a proper understanding of the law.

Please note this is not a per se law. A person does not violate this law just because they have ingested an intoxicating substance, any more than a person violates this just because they had one or two drinks. A person violates this law **only when they operate a motor vehicle when they are under the influence or visibly impaired by the intoxicating substance.**

### WHAT DOES THIS MEAN?

"Under the influence" means that because of consuming an "intoxicating substance," the defendant's ability to operate a motor vehicle in a normal manner was substantially lessened. The test is whether, because of consuming an "intoxicating substance," the defendant's mental or physical condition was significantly affected and the defendant was no longer able to operate a vehicle in a normal manner.

To prove that the defendant operated "while visibly impaired," the prosecutor must also prove beyond a reasonable doubt that, due to the consumption of an "intoxicating substance," the defendant drove with less ability than would an ordinary careful driver. The defendant's driving ability must have been lessened to the point that it would have been noticed by another person.

In essence, if an individual is properly taking his/her own prescribed medication, they can properly drive their vehicle without facing any charges under the new law. But they will risk arrest and prosecution if:

- >> They ignore the prescription warnings that it may not be safe to operate a vehicle after taking their medication and the medication actually affects their ability to drive, or,
- >> They don't follow the prescription instructions such as they take more than the recommended dosage, or combine it with alcohol or other drugs, and it affects their ability drive, or,
- >> They take someone else's prescribed medication and it affects their ability to drive.

It should always be remembered that driving a vehicle while intoxicated, or while impaired by an intoxicating substance, poses a significant risk not only to the driver and his or her passengers but also to anyone else on or near the road where the person drives. This is true regardless of whether the intoxicating substance used is alcohol, a controlled substance, or a substance not listed on the Public Health Code's schedule of controlled substances.

In conclusion, by bridging the gap between impairment by controlled drugs and other intoxicating substances, this law assists law enforcement and prosecutors to prosecute all impaired drivers and keep Michigan's streets safe.

*For more information on this article and PAAM training programs, contact Kenneth Stecker, Traffic Safety Resource Prosecutor, at (517) 334-6060 or e-mail at [steckerk@michigan.gov](mailto:steckerk@michigan.gov). Please consult your prosecutor before adopting practices suggested by reports in this article. Discuss your practices that relate to this article with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practice.*



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## AAA, Detroit Tigers, and MSP team up to promote safe teen driving

Motor vehicle crashes are the leading cause of death for teens. That's why AAA, the Detroit Tigers, and the Michigan State Police (MSP) joined together May 23 to encourage teens to be safe drivers over the Memorial Day holiday weekend and throughout the summer.

The three organizations promoted two key traffic safety messages aimed at all drivers—but especially important for new teen drivers—pay attention while driving and buckle up. AAA teamed with the Detroit Tigers to bring the teen traffic safety message to Comerica Park through the use of two driving simulators during the May 23 game and gave the first 5,000 teens a AAA and Detroit Tigers key ring.

AAA also partnered with MSP to support Operation C.A.R.E. (Combined Accident Reduction Effort), a traffic safety enforcement campaign which runs during holidays, by purchasing banners to promote the effort. During the summer holiday periods volunteers provide coffee and safety literature at many state rest stops.

All of the organizations encourage parents to play a key role in developing their teen driver through regular dialogue, selecting a quality driving school, using a parent-teen driving contract, extensive practice driving, and choosing a safe vehicle for their new teen driver.



Capt. Monica Yesh, Michigan State Police

## New law impacts child passenger safety

Governor Rick Snyder recently signed legislation to help improve the safety of child passengers.

Senate Bill 97, sponsored by state Senator John Proos, revises current law to help stem the abuse of an exemption regarding the safety of child passengers. The law currently allows drivers penalized for operating a vehicle with a child passenger who is not properly secured in a child safety seat to have the fine automatically revoked if the driver later shows proof of having a safety seat. The imposition of the penalty is now left to a judge's discretion. SB 97 is now PA 35.



### **Buckle-Phobia** *Continued from page 1 >*

Highway Safety Planning (OHSP) partnered with hospitals in Detroit, Grand Rapids, and Saginaw to host media events. The events featured law enforcement officers, trauma doctors, and OHSP staff. A fourth event was held in the Upper Peninsula at the Michigan State Police Post in Negaunee.

Although Michigan led the nation in seat belt use in 2008 and 2009, belt use has declined for the last three years. Last year belt use was at 93.6 percent. Despite a high belt use rate, nearly half of vehicle occupants killed in traffic crashes are unbuckled.

Last year, Michigan officers issued 8,125 seat belt citations and 213 child restraint citations during the seat belt enforcement period. Of the 10 people who died over the Memorial Day holiday period in 2012, three of the seven vehicle occupants were not wearing a seat belt.

The Buckle-phobia *Click It or Ticket* television ad can be viewed at [Youtube.com/ohsp](http://Youtube.com/ohsp).

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Safety Network is published by the  
Michigan Office of Highway Safety Planning  
Editor: Lynn Sutfin  
Designer: Jon Benallack

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Lansing, MI 48909  
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